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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARLOS LUIS MERCADO,

Plaintiff,

-against-

RICHARD WOODWARD, NICHOLAS VALHOS,  
PATRICK FREDERICKS, KENNETH CONKLIN,  
and PETER DICHARA, in their individual capacities,

Defendants.  
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P. KEVIN CASTEL, U.S.D.J.

On March 10, 2009, the Court ordered the parties to submit an updated report on settlement negotiations by March 25, 2009. (Doc. #51.) As of today, it does not appear that any such report has been received. Thus, the parties are directed to submit by facsimile a report on settlement negotiations by June 5, 2009.

Secondly, the Court has not received from defendants a reply to plaintiff's memorandum in opposition to defendants' motion under Rule 59, Fed. R. Civ. P. If no reply is received by June 5, 2009, the Court will deem it waived.

Finally, the Court invites the parties to submit supplemental briefing on the issue of supervisory liability in light of the Supreme Court's recent decision in Ashcroft v. Iqbal, \_\_\_ U.S. \_\_\_, 2009 WL 1361536 (2009). If either party wishes to submit a memorandum on this issue, it should notify the Court of its intention by June 5, 2009, and make its submission by June 12, 2009. SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
May 28, 2009